

### **REMARKS**

Claims 1 – 21 are currently pending. Claim 1 has been amended. Reexamination and reconsideration of the pending claims is solicited.

#### **Claim Rejection- 35 USC §102(b)**

The Examiner rejected Claims 1-21 under 35 USC §102(b) as being anticipated by Bemis et al. Applicants disagree.

With respect to all of the claims, the Bemis reference does not disclose a liner-type suction canister. The Bemis reference only discloses a rigid walled suction canister 14 which is not a liner-type suction canister.

With respect to all of the claims, the patient port wall 78 of the Bemis reference, which the Examiner equates to the claimed drainhead, is not moveable. The patient port wall 78 is on the cover 22 of the suction canister 14. See Fig. 3 of the Bemis reference. When the suction canister 14 is placed on the cleaning station 400 to be drained and cleaned, the cover 22 and thus the patient port wall 78 do not move. See Fig. 16. The Examiner references Figs. 12 and 13 for support for movement of the drainhead. Figs. 12 and 13 show the closed and open position of a cartridge 188 that moves under and relative to the cover 22. Further, the cartridge 188 is moved only when the suction canister 14 is being used to collect fluid from a patient. See Col. 7, line 62 through Col. 8, line 26. Thus, when the suction canister 14 of the Bemis reference is being drained on the cleaning station 400, there is no movement of either the patient port wall 78 or the cartridge 188. While on the cleaning station 400, the cartridge 188 is in the closed position thus blocking the passageway 86. See Col. 8, lines 27-34.

With respect to all of the claims, the patient port wall 78 of the Bemis reference, which the Examiner equates to the claimed drainhead, is not moveable between a first position not engageable with the liner-type suction canister and a second position engageable with the liner-type suction canister. Since the patient port wall 78 of the Bemis reference is on the suction canister 14, it cannot therefore be moveable between a first position not in contact with itself and a second position in contact with itself.

With respect to some of the claims, the bracket 464 of the Bemis reference, which the Examiner equates to the claimed support member, is not moveable with the housing 484, which the Examiner equates to the claimed swingarm. In some claims, the support member is on the swingarm and the swingarm is moveable thus making the support member moveable with the swingarm. In the Bemis reference, the bracket 464 does not move with the housing 484 but rather stays in contact with the suction canister 14 as the housing 484 moves upwardly and downwardly. See Col. 10, lines 23-33.

Turning now to independent Claim 1 in particular, as amended, the claim requires the drainhead to be couple to the swingarm. The patient port wall 78 on the cover 22 of the Bemis reference is not coupled to the housing 484.

With respect to independent Claim 14 in particular, the claim requires the drainhead adapted to engage the liner-type suction canister to enable fluid communication between the passageway and the fluid contained in the liner-type suction canister when the drainhead is in the second position. The port wall 78 of the Bemis reference cannot engage itself and further, the passageway 86 is closed thereby not allowing such fluid communication when the suction canister 14 is on the cleaning station 400.

With respect to independent Claim 17 in particular, the claim requires a drainhead adapted to engage the cover of a liner-type suction canister. The patient port wall 78 of the Bemis reference is on the cover 22 so by definition, it cannot engage itself.

With respect to independent Claim 18 in particular, the claim requires a liner-type suction canister to be placed on a swingarm. In the Bemis reference, the suction canister 14 is not placed on the housing 484, but rather on a cradle 416, 420. See Col. 10, lines 23-26. Claim 18 requires the drainhead and the liner-type suction canister to be coupled together. In the Bemis reference, the patient port wall 78 is on the suction canister 14 so it cannot be coupled to itself. Claim 18 requires rotating the swingarm with the liner-type canister thereon. In the Bemis reference, the suction canister 14 does not move. It remains stationary on its cradle 416 or 420. See Col. 10, line 23- Col. 12, line 19.

With respect to Claim 19 in particular, the claim requires a liner-type suction canister to be placed on a swingarm. In the Bemis reference, the suction canister 14 is not placed on the

housing 484, but rather on a cradle 416, 420. See Col. 10, lines 23-26. Claim 19 requires the drainhead and the liner-type suction canister to be connected to establish fluid communication between the drainhead and a port on the liner-type suction canister. In the Bemis reference, the patient port wall 78 is on the suction canister 14 so it cannot be coupled to itself and, when the suction canister 14 is on the cleaning station 400, the passageway 86 is closed thus not enabling any fluid communication as is required by Claim 19. Claim 19 requires rotating the swingarm with the liner-type canister thereon. In the Bemis reference, the suction canister 14 does not move. It remains stationary on its cradle 416 or 420. See Col. 10, line 23- Col. 12, line 19.

With respect to Claim 20 in particular, the claim requires placing the liner-type suction canister on a swingarm. In the Bemis reference, the suction canister 14 is not placed on the housing 484, but rather on a cradle 416, 420. See Col. 10, lines 23-26. Claim 20 requires preventing movement of the swingarm. There is no such teaching of preventing movement of the housing 484 in the Bemis reference. Claim 20 requires moving the drainhead on the drainage device from a first position to a second position in fluid communication with a port on the liner-type suction canister. In the Bemis reference, when the suction canister 14 is on the cleaning station 14, the passageway 86 is closed and there is no such fluid communication.

For the reasons set forth above, Claims 1-21 are allowable over the cited reference.

### **Double Patenting**

The Examiner rejected Claims 1 and 14-21 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21-23 of USPN 6,626,877. A terminal disclaimer is being submitted herewith to overcome this rejection.

Applicant notes the provisional rejection of Claims 1-21 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/834,594.

**Conclusion**

In view of the foregoing, entry of the above amendment and allowance of Claims 1-21 are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Smith", written over the typed name.

Billie Jean Smith  
Reg. No. 36,940

Docket No. 015005-9450-00  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560

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